IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 246 OF 2005

IN

APPEAL UNDER ARBITRATION ACT NO. 3 OF 2005

SHRI K.K.JOHN,THROUGH HIS POWER OF ATTORNEY HOLDER SHRI M.C.CHACHAPPAN,MARGAO GOA ....Applicant

Versus

THE STATE OF GOA,REP.BY THE EXECUTIVE ENGINEER,MARGAO GOA ....Respondent

Shri S.G. Dessai, Senior Advocate with Shivan Desai, Advocate for the Applicant.

Shri S.S. Kantak, Advocate General with Ms. S. Dharwadkar, Addl. Govt. Advocate for the Respondent.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 27th September, 2005

P.C.:

After having heard the learned Senior Counsel for the Appellant/Applicant and the learned Advocate General, we dispose of the Civil Application by the following Order :-

i) Within eight weeks from today the applicant/appellant shall deposit a sum of Rs.50,00,000/- with the Registrar of this Court .

ii) Upon such deposit being made, it will be open to the respondent to withdraw the said amount on their furnishing an undertaking of the

Executive Engineer, Works Division XII, Irrigation Department, Gogol, Margao, Goa that in the event of the appellant succeeding in the appeal, the respondent shall restitute the amount so withdrawn along with simple interest of 6% per annum from the date of withdrawal until the date of refund within one month from the date of the Judgment in appeal.

iii) Upon compliance of clause (i) by the appellant, the execution of the impugned Judgment and Decree shall remain stayed until disposal of the appeal.

Civil Application stands disposed of.

R. M. LODHA, J.

N. A. BRITTO, J.

sl.